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AKERMAN SENTERFITT			FINDLEY, CHRISTOPHER G	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/807,720	EGGERS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	CHRISTOPHER FINDLEY	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 December 2007.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 14-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 14-29 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.
2. Re claims 14 and 27, the Applicant contends that elements 40 and 50 of Yasui's Fig. 1 are not image sensors. The Examiner acknowledges that the cited elements are not image sensors. However, element 10 of Yasui's Fig. 1 is an image sensor.
3. Re claims 14 and 27, the Applicant also contends that Yasui fails to teach or suggest an intermediate memory for the purpose of comparing images. However, the Examiner respectfully disagrees. The images described as being stored in paragraph [0026] of Yasui (Yasui: paragraph [0026], RAM 24 and ROM 26 in addition to frame memories 22, 23, and 27) are images taken from different positions by a single camera (Yasui: page 3, lines 11-19), and the images are compared for distance calculation purposes.
4. Re claims 14 and 27, the Applicant further contends that the distance calculation of Yasui is not the same as a deviation calculation. However, the Examiner respectfully disagrees. The distance calculation of Yasui is continually performed by comparing frames from a single camera at different times/positions (Yasui: page 3, lines 11-19) so as to generate a parking guidance system that warns the driver of unacceptable proximity to objects such as other cars (Figs 10A-10C and paragraph [0054]).
5. Re claims 14 and 27, the Applicant contends that Yasui fails to teach or suggest evaluating an impermissible deviation. However, the Examiner respectfully disagrees.

Yasui discloses warning a driver to the proximity of other cars when parking (Yasui: paragraph [0054] and Fig. 10B), indicating that the display may change according to the calculated distance.

6. Therefore, the Examiner maintains the previous rejections for claims 14 and 27 as being unpatentable over Yasui et al. (EP 1094337 A2). A modified copy of the previous rejection, reflecting the changes made via the amendment filed 12/10/2007, is included below.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 14, 18, 26, 27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasui et al. (EP 1094337 A2).**

Re claim 14, Yasui discloses a video display system for a vehicle environment surveillance unit (0), including a video display (1) (Yasui: Fig. 1, element 30), at least one image sensor (3) for acquisition of environmental information (Yasui: Fig. 1, elements 40 and 50), a computer or processor (2) for processing the acquired environment information into image information and displaying the results on the video display (1) (Yasui: Fig. 1, element 20; paragraph [0026]), an intermediate memory (4) into which the image information is additionally recorded (Yasui: Fig. 2, elements 22, 23;

paragraph [0026]), and comparison means including an image processing algorithm (5) via which the most recently recorded image is compared with the image information stored in intermediate memory and triggering a modification of the displayed video image on detecting an impermissible deviation between the most recently recorded image and the image information in the intermediate memory (Yasui: paragraph [0026], distance calculation), wherein, vehicle operating parameters (6) are fed to the vehicle environment surveillance unit (0) (Yasui: paragraph [0026], steering angle data, wheel rotation data) in order to determine an impermissible deviation by the fact that an expected deviation of the image information between time points of acquiring the most recently recorded image and the stored image information due to the operating parameters does not plausibly correlate with the result of a comparison of the image information (Yasui: paragraph [0054] and Fig. 10B, the display may change according to the calculated distance, thereby warning a driver to the proximity of other cars while parking).

Re claim 18, Yasui discloses that, in the case of an impermissible deviation between the most recently recorded image and the image information in memory, the video image display (1) is automatically switched off (Yasui: page 5, lines 49-51). Re claim 19, Yasui discloses that, for correction of the displayed video image, a new image is acquired and the newly acquired image replaces the most recently recorded image (Yasui: Fig. 3, images are continually updated when the driver keeps the system in an “on” condition).

Re claim 26, Yasui discloses that said vehicle environment surveillance system (0) is a system for locating a parking place (Yasui: paragraph [0012], parking assistance).

Claim 27 recites the corresponding method for implementation within the system of claim 14, and, therefore, has been analyzed and rejected with respect to claim 14 above.

Claim 29 has been analyzed and rejected with respect to claim 26 above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (EP 1094337 A2) in view of Sakiyama et al. (US 6411867 B1).**

Re claim 15, Yasui discloses a majority of the features of claim 15, as discussed above in claim 14, but does not specifically disclose that the operating parameter (6) is a parameter which provides information regarding whether the vehicle is moving forwards or backwards or standing still. However, Sakiyama discloses a vehicle driving support system and steering angle detection device, where the direction of the vehicle is used as an input to the parking assist processor (Sakiyama: Fig. 1, “reverse signal” between elements 8 and 6). Since both Yasui and Sakiyama relate to utilizing external

sensing devices to assist a vehicle driver in navigation and object avoidance, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the reverse signal of Sakiyama with the parking assistance system of Yasui in order to automatically display the parking assist program when the system detects a parking situation (Sakiyama: Fig. 3; column 11, lines 1-15). The combined system of Yasui and Sakiyama has all of the features of claim 15.

Re claim 16, the combined system of Yasui and Sakiyama discloses that the operating parameter (6) is the vehicle speed (Sakiyama: Fig. 1, “vehicle speed signal” input to element 6).

**5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (EP 1094337 A2) in view of Ikeda (US 6734787 B2).**

Re claim 17, Yasui discloses a majority of the features of claim 17, as discussed above in claim 14, but does not specifically disclose that, in the case of an impermissible deviation between the most recently recorded image and the image information in memory, an error message is displayed on the video display (1). However, Ikeda discloses a method of recognizing a vehicle traveling behind, where when another vehicle detected (deviation from a normal surrounding), an indicator is given on the display (Ikeda: column 5, lines 50-55 and 61-67). Since both Yasui and Ikeda relate to monitoring the external environment of a vehicle and displaying corresponding information for the driver inside the vehicle, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the relative speed

and vehicle type calculation capability of Ikeda with the parking assist system of Yasui in order to allow the driver to avoid impeding emergency vehicles (Ikeda: column 1, lines 36-41). The system of Yasui, implemented in conjunction with the method of Ikeda, has all of the features of claim 17.

**6. Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (EP 1094337 A2) in view of Gunderson et al. (US 20060119473 A1).**

Re claim 20, Yasui discloses a majority of the features of claim 20, as discussed above in claim14, but does not specifically disclose that in the case that a re-initiation of the image recording is no longer possible, an error message is displayed on the video image display (1). However, Gunderson discloses a system of avoiding collisions, where an error message is displayed on the operator interface in the event of a catastrophic failure (Gunderson: paragraph [0084]). Since both Yasui and Gunderson relate to monitoring the external environment of a vehicle with sensor devices, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the built-in-testing (BIT) of Gunderson with the parking assist system of Yasui in order to ensure the integrity of the data being processed by the system (Gunderson: paragraph [0084]). The combined system of Yasui and Gunderson has all of the features of claim 20.

Re claim 21, the combined system of Yasui and Gunderson discloses that in the case that a re-initiation of the image display is no longer possible, the video image display (1) is automatically switched off (Gunderson: paragraph [0084]).

Re claim 22, the combined system of Yasui and Gunderson discloses that the vehicle operator is informed regarding an impermissible deviation between the most recently recorded image and the image information in memory by a means independently of the video image display (1), which independent means is in communication with the vehicle environment surveillance unit (0) (Gunderson: paragraph [0076], audio alarm).

Re claim 23, the combined system of Yasui and Gunderson discloses that an optical display means is used as the warning means (7) providing optical signals for informing the vehicle operator (Gunderson: paragraph [0067], an additional display may be used).

Re claim 24, the combined system of Yasui and Gunderson discloses that an acoustic output means is provided as the warning means (7), providing acoustic signals for informing the vehicle operator (Gunderson: paragraph [0076], audio alarm).

**7. Claims 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (EP 1094337 A2) in view of Shisgal et al. (US 5574426 A).**

Re claim 25, Yasui discloses a majority of the features of claim 25, as discussed above in claim 14, but does not specifically disclose that the vehicle environment surveillance system (0) is a night vision system. However, Shisgal discloses an

obstacle detection system for vehicles moving in reverse, where the sensors mounted on the vehicle may be optical infrared detectors (Shisgal: column 3, lines 4-24 and column 9, lines 53-56). Since both Yasui and Shisgal relate to monitoring the external environment of a vehicle with sensor devices, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the clustered sensors of Shisgal with the parking assist system of Yasui in order to limit the number and size of “dead areas” in the monitoring system (Shisgal: column 3, lines 39-46). The combined system of Yasui and Shisgal has all of the features of claim 25.

Claim 28 has been analyzed and rejected with respect to claim 25 above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Vehicle surveillance system

Kim (US 20020113876 A1)

b. Automatic parking device for automobile

Shyu et al. (US 4931930 A)

c. Driving separation distance indicator

Schofield (US 20040012488 A1)

d. Motor vehicle obstacle monitoring system using optical flow processing

Nakajima et al. (US 5521633 A)

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER FINDLEY whose telephone number is (571)270-1199. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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